

## **REMARKS**

Claims 1-3 are pending in the application. Claims 1 and 2 stand rejected. Claim 3 is objected to.

### **Claim Objections**

Claims 1 and 2 have been objected to because of certain informalities, stated on page 2 of the Office Action. Taking the Examiner's comments into consideration claims 1 and 2 have been amended. Therefore, withdrawal of the objection to claims 1 and 2 is respectfully requested.

### **Claim Rejection under 35 U.S.C. §102**

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Morishima et al. (U.S. 5,589,956).

The present invention is an ophthalmologic apparatus in which three embodiments are disclosed. The ophthalmologic apparatus has an index projecting optical system (14) which includes a lamp (41) serving as a light source, a collimator lens (42), an index plate (43) serving as an index locating unit in which visible indexes are selectively locatable, a dichroic mirror (44), a reflection mirror (45) and a movable lens (46). An index image appears in the eye to be examined so that the person to be examined can be easily identified. An identifier generating optical system (18) generates an identifier that acts as an identification information generating means. The dichroic mirror (44) acts as an identification information combining member. An electrical component section (6) operates as an identification information changing means.

Morishima et al. describes an image display apparatus having three LCDs (1-1, 1-2, and 1-3)

in which an observer (6) recognizes the image information from the three LCDs (1-1, 1-2, and 1-3) as a continuous single image.

Based on the above description an in depth analysis , the applicant does not agree with the Examiner that Morishima et al. describes an “identification information generating means for generating identification information” and “an identification information combining member that combines the identification information ... with each of the index images to be indicated to the eye to be examined”. However, rather than just traversing the Examiner’s rejection the applicant elieves it may be preferable to further detail the meaning of identification information in claim 1 so that it would not be so broadly interpreted by the Examiner. As indicated on page 18, line 4 through page 19, line 7, the identifier generating optical system (18) generates a different numeral (identification information) for each of a pair of index images which are indicated by the reverse action of the variable cross cylinder (49). Claim 1 has accordingly been amended to reflect this feature. Therefore, claim 1 patentably distinguishes over the prior art of record by reciting,

“An ophthalmologic apparatus which includes index locating means capable of selectively locating an index for eye examination and an index projecting optical system that successively indicates index images to an eye to be examined by changing an index image of the index located by the index locating means, the ophthalmologic apparatus comprising: identification information generating means for generating identification information for making a person to be examined identify each of the index images which are successively indicated by the index projecting optical system; and an identification information combining member that combines the identification information generated by the identification information generating means with each of the index images to be indicated to the eye to be examined, wherein the identification information is a different numeral for each of a pair of index images which are indicated by reverse action of a cross cylinder.”  
(Emphasis Added)

U.S. Patent Application Serial No. 10/724,867  
Reply to OA dated March 6, 2006

Therefore, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Morishima et al. (U.S. 5,589,956) is respectfully requested.

**Allowable Subject Matter**

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the imitates of the base claim and any intervening claims.

Claim 3 has been amended to include all the features of claims 1 and 2, thus making claim 3 an independent claim. Therefore, allowance of claim 3 is respectfully requested.

**Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1-3 , as amended, are believed to be allowable and in condition for allowance, which action, at an early date, is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **10/724,867**  
Reply to OA dated March 6, 2006

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP



George N. Stevens  
Attorney for Applicant  
Reg. No. 36,938

GNS/nrp  
Atty. Docket No. **031295**  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



**23850**

PATENT TRADEMARK OFFICE

H:\HOME\GSTEVEN\03\031295\Amendment